



INTERIOR BOARD OF INDIAN APPEALS

William Hunter v. Navajo Regional Director, Bureau of Indian Affairs

38 IBIA 239 (12/11/2002)

Related Board cases:

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United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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WILLIAM HUNTER, Appellant	:	Order Docketing and Dismissing
	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 03-38-A
NAVAJO REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	December 11, 2002

On December 9, 2002, the Board of Indian Appeals (Board) received a notice of appeal from William Hunter (Appellant). Appellant states that he has not received written notification that any decision has been issued, but was verbally informed that an agricultural land use permit had been granted to Mr. and Mrs. Theodore Nez within NE¼, sec. 22, T. 5 N., R. 10 W., Apache County, Arizona. It appears that such a decision would have been made by the Navajo Regional Director, Bureau of Indian Affairs. For the reason discussed below, the Board docketed this appeal but dismisses it without prejudice as premature.

The Board has jurisdiction to review “a final administrative action or decision of an official of the Bureau of Indian Affairs issued under regulations in title 25 of the Code of Federal Regulations.” 43 C.F.R. § 4.331. 25 C.F.R. § 2.7(a) requires that “[t]he official making a decision * * * give all interested parties known to the decisionmaker written notice of the decision.” Until there is a written decision, there is nothing for the Board to review.

If Appellant believes that a decision has been made and that he is entitled to notice of the decision, he should take whatever action he deems necessary to be provided with a copy of a written decision. However, at this point, his appeal is premature.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but dismissed without prejudice as premature.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge